

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
BENJAMIN F. J. NEMEC
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
Ben_Nemec@fd.org

6 Attorney for Andy Phouphayry
7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12
13 v.
14 ANDY PHOUPHAYRY,
15 Defendant.

Case No. 2:23-mj-00360-NJK

**STIPULATION TO CONTINUE
PRELIMINARY HEARING**
(Fourth Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Edward G. Veronda, Assistant United States Attorney, counsel for
19 the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 Benjamin F. J. Nemec, Assistant Federal Public Defender, counsel for Andy Phouphayry, that
21 the Preliminary Hearing currently scheduled on November 21, 2023, be vacated and continued
22 to a date and time convenient to the Court, but no sooner than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

24 1. The parties have entered into a pre indictment plea agreement. To ensure both
25 parties get the benefit of the bargain, the parties request this Court continue the preliminary
26 hearing until after the change of plea.

2. The defendant is in custody and agrees with the need for the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but to allow parties to negotiate. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1 (d).

6. The additional time requested by this stipulation is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

This is the fourth request for a continuance of the preliminary hearing.

DATED this 20th day of November, 2023.

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/ Benjamin F. J. Nemec

By _____

BENJAMIN F. J. NEMEC
Assistant Federal Public Defender

/s/ Edward G. Veronda

By _____

EDWARD G. VERONDA
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 v.
6 ANDY PHOUPHAYRY,
7 Defendant.
8

Case No. 2:23-mj-00360-NJK
ORDER

9
10 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for
11 Tuesday, November 21, 2023 at 4:00 p.m., be vacated and continued to 4:00 p.m. on
12 January 23, 2024, in Courtroom 3C.

13 Dated: November 20, 2023

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15 
16 UNITED STATES MAGISTRATE JUDGE